

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION

James K. Baker,	:	
	:	
Plaintiff,	:	
	:	
v.	:	Case No. 2:06-cv-0607
	:	
Brenda Baker, et al.,	:	JUDGE SARGUS
	:	
Defendants.	:	

OPINION AND ORDER

On July 19, 2006, James K. Baker, a plaintiff proceeding pro se, filed a complaint and application to proceed in forma pauperis. The Magistrate Judge issued an Opinion and Report and Recommendation granting Mr. Baker in forma pauperis status. Additionally, in the Opinion and Report and Recommendation, the Magistrate Judge screened Mr. Baker's complaint pursuant to 28 U.S.C. §1915 and recommended that Mr. Baker's claims against four defendants - Brenda Baker, Ray Dennis, Sandra Harr and Ruth Ann Spatar - be dismissed as frivolous and failing to state a claim upon which relief can be granted. Mr. Baker did not file a formal objection to the Magistrate Judge's Report. However, Mr. Baker did submit a letter in response to the Magistrate Judge's Report. Accordingly, this Court will treat the letter as an "objection" to certain portions of the Magistrate Judge's Report. For the following reasons, however, the Magistrate Judge's Report will be adopted in its entirety.

I.

Preliminarily, because Mr. Baker does not object to the Magistrate Judge's conclusions regarding Ms. Baker and Ms. Spatar, this Court adopts the Magistrate Judge's Report regarding those two defendants.

Turning to Mr. Baker's "objection," Mr. Baker states (reproduced verbatim):

I, James K. Baker, do swear that each person named in this suit did willingly and with contempt deny me basic rights set forth by the Federal government of the United States, and denied me the right to have access to federal money granted to organizations for the poor

and low income people.

Sandra Harr I can prove she used her elected trustee job in Perry Township of Hocking County. She called alot of people that was on the old General Assistance program, she refused to work them and turn their papers in stating they refused to work. Although another trustee stepped up and worked the persons she would not. She also used her power to deny road signs be put up where emergency crews could get in, and even refused to have th roads plowed of snow. If this isn't point blank disregard to the people, the people deserved better than being told by Sandra and I quote '*Shut the fuck up*' and '*Never call me again*'. On July 4th 1776, we declared a end to these types of abuse. I believe that important document lives on after all this time. Now she sits on the Board of Health in Hocking County and is still doing the criminal acts as before.

Ray Dennis, Administrator of the Health Department in Hocking County, Refused to give any help to get me permits and even refused the county auditors taxes for my trailer, he says the water is no good on the property even going as far as demanding it be filled up before there can be a well permit issued for anywhere on the 70+ acres. The water is better than what they passed (or let fall threw the cracks until a person dies). Then they are called to recheck the well failed at 22529 Conrad RD. I gave the name of the Bactaria to the Veterns Clinic they had one case of it. A sever cancer patitent had it. Funny one lives less the a half a mile from this well, but the Health Department never checked that out.

The other members of the Health Board refused to read any Doctor's statements. Told me it was and I quote '*That's your Fault*' for dying. I'll produce health reports and even the doctors letters. There will be lots of evidence admitted in court.

I also ask this Federal Court to issue a order to over ride the municipal court's ruling on eviction.

I also ask the court to not allow any real property to be given away or sold thats owned by the owners or any person that holds a power of attorney.

I also ask the defense any and all evidence they may have. I have a large list of witnesses I'll pass on if the conference fails to reach any agreement on November 1st of 2006.

I as a American Vetern from the Vietnam era, we are treated worse here were we live by our own people. This is why I am asking the amounts of ten million (10,000,000) dollars in each case; 2:06-cv-0607 and 2:06-cv-0606. The ones that eorrupt should have to pay something and I ask the court that they be stripped of anymore public offices of anykind.

(Letter from Mr. Baker to the Court (doc. 14).) When comparing the "objection" and the Complaint, it appears that Mr. Baker does not "object" to the Report's conclusions. Instead, Mr. Baker attempts to clarify further the actions of Ms. Harr and Mr. Dennis.


The allegations in the "objection" do not challenge the Magistrate Judge's conclusion. Further, the "objection" does not more thoroughly explain how Mr. Baker's constitutional or federal statutory rights were violated. Rather, the "objection" adds additional facts to the original claims asserted against Ms. Harr and Mr. Dennis. Moreover, in the "objection," Mr. Baker requests additional relief - e.g. overriding the municipal court's eviction order or preventing individuals from serving in public offices.

After reviewing the "objection," this Court concludes that the additional facts presented do not amount to a federal constitutional or statutory violation. This Court agrees with the Magistrate Judge that Mr. Baker's claims against Ms. Harr and Mr. Dennis fail to present claims with an arguable or rational basis in law. Further, it appears beyond doubt, viewing the Complaint together with the "objection," that Mr. Baker can prove no set of facts in support of his claim which would entitle him to relief against those defendants. Accordingly, this Court adopts the Magistrate Judge's Report and concludes that Mr. Baker's claims against Ms. Harr and Mr. Dennis are frivolous and fail to state a claim upon which relief can be granted.

II.

Mr. Baker's Objection to the Magistrate Judge's Report and Recommendation (doc. #14) is OVERRULED, and the Magistrate Judge's Report is ADOPTED IN ITS ENTIRETY. The claims against all defendants except Wendy Hanna are DISMISSED.

Date: 10-10-2006

  
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Edmund A. Sargus, Jr.  
United States District Judge